

# Managing Unacceptable Actions by Complainants Policy

<b>Reviewed</b>	January 2023	<b>Leader of Policy Review</b>	Mr. S. Budgen
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# Managing Unacceptable Actions by Complainants Policy

## 1 Introduction

1.1 This Policy sets out Hawarden High School's approach to the relatively few complainants whose actions or behaviour are considered unacceptable. The term complainant includes anyone acting on behalf of a complainant or who contacts the school in connection with a complaint.

## 2. Policy Aims

2.1 To make it clear to all complainants, both at initial contact and throughout their dealings with the school, what the school can or cannot do in relation to their complaint. In doing so, the aim is to be open and not raise hopes or expectations that cannot be met.

2.2 To deal fairly, honestly, consistently and appropriately with all complainants, including those whose actions are considered unacceptable. Hawarden High School believes that all complainants have the right to be heard, understood and respected. It is also considered that school staff have the same rights.

2.3 To provide a service that is acceptable to all complainants. However, where it is considered that a complainant's actions are unacceptable, the right to restrict or change access to the school is retained.

2.4 To ensure that other complainants and school staff do not suffer any disadvantage from complainants who act in an unacceptable manner.

## 3. Defining Unacceptable Actions by Complainants

3.1 People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint coming into our school. The school does not view behaviour as unacceptable just because a complainant is forceful or determined. In fact, it is accepted that being persistent can be a positive advantage when pursuing a complaint. However, the actions of complainants who are aggressive, demanding or persistent may result in unreasonable demands on the school or unacceptable behaviour towards staff. It is these actions that are considered unacceptable and ones that this policy aims to manage. The school has grouped these actions under three broad headings:

### 3.1.1 Aggressive or Abusive Behaviour

- I. Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause staff to feel afraid, threatened or abused.
- II. Examples of behaviours grouped under the heading include:
  - swearing or abusive language
  - over-bearing behaviour; refusing to give staff an opportunity to speak
  - or repeated derogatory comments
  - inappropriate sexual or gender-based remarks
  - inappropriate cultural, racial, political or religious references
  - rudeness or shouting
  - threatening behaviour
  - emotional abuse or manipulative behaviour
  - threats
  - physical violence

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- personal verbal abuse
- derogatory remarks and rudeness.
- Inflammatory statements and unsubstantiated allegations

III. We expect our staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable. Hawarden High School staff understands the difference between aggression and anger. The anger felt by many complainants involves the subject matter of their complaint. However, it is not acceptable when anger escalates into aggression directed towards any school staff. Threats of physical violence or harassment to any person are unacceptable and will be reported to the police.

## 3.1.2 Unreasonable Demands

- I. Complainants may make what are considered to be unreasonable demands on school staff through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the complainant.
- II. Examples of actions grouped under this heading include:
  - excessive telephone calls, emails or letters
  - sending duplicate correspondence
  - persistent refusal to accept a decision or explanation
  - continuing to contact schools after a decision, about the same or similar matters, without presenting new or relevant information
  - demanding responses within an unreasonable time scale or information not relevant
  - refusing to cooperate with the school's classroom rules and procedures
  - raising matters that are immaterial to a request or complaint or repeatedly changing the substance of a request or complaint
  - repeatedly contacting or insisting to speak to a member of staff at school who is not directly dealing with a request or complaint
- III. These demands are considered unacceptable and unreasonable if they start to impact substantially on the work of staff, such as taking up an excessive amount of time to the disadvantage of other complaints or functions.

## 3.1.3 Unreasonable Persistence

- I. It is recognised that some complainants will not or cannot accept that the school is unable to assist them further or provide a level of service other than that provided already. Complainants may persist in disagreeing with the action or decision taken in relation to their complaint or contact the school persistently about the same issue.
- II. Examples of actions grouped under this heading include persistent refusal to accept a decision made in relation to a complaint, persistent refusal to accept explanations relating to what the school can or cannot do and continuing to pursue a complaint without presenting any new information. The way in which these complainants approach the school may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

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- III. The actions of persistent complainants are considered to be unacceptable when they take up what the school regards as being a disproportionate amount of time and resources.

## 4. Managing Unacceptable Actions by Complainants

4.1 There are relatively few complainants whose actions are considered by the school to be unacceptable. How these actions are managed depends on their nature and extent. If it adversely affects the school staff in their ability to carry out their role, complainant contact may need to be restricted in order to manage the unacceptable action. The aim will be to do this in a way, wherever possible, that allows a complainant to progress to completion through the Complaints Process. Contact in person, by telephone, letter or electronically or by any combination of these may be restricted. Effort will be made to try and maintain at least one form of contact. In extreme situations, the complainant will be told in writing that their name is on a 'no personal contact' list. This means that they must restrict contact with the school to either written communication or through a third party.

4.2 The threat or use of physical violence, verbal abuse or harassment towards school staff is likely to result in the ending of all direct contact with the complainant. Incidents may be reported to the Police. This will always be the case if physical violence is used or threatened.

4.3 The school will not deal with correspondence (fax, letter or electronic) that is abusive to staff or contains allegations that lack substantive evidence. When this happens the complainant will be told that their language is considered offensive, unnecessary and unhelpful. They will be asked to stop using such language and the school will state that there will be no response to their correspondence if they do not stop. The school may require future contact to be through a third party.

4.4 Hawarden High School staff will end telephone calls if the caller is considered aggressive, abusive or offensive. The staff member taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop. School staff who terminate a call will report it to the Head Teacher. Following a terminated call if the parent/carer makes further contact and the behaviour has not changed, the Head Teacher may restrict telephone contact for one day. This decision will be recorded and communicated at the earliest opportunity to our school staff who take frontline calls.

4.5 Where a complainant repeatedly phones, visits the school, sends irrelevant documents or raises the same issues, the school may decide to :

- Only take telephone calls from the complainant at set times on set days or put an arrangement in place for only one member of staff to deal with calls or correspondence from the complainant in future.
- Require the complainant to make an appointment to see a named member of staff before visiting the school or that the complainant contacts the school in writing only.
- Return the documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed.
- Take other action that the school considers appropriate. The school will, however, always tell the complainant what action is being taken and why.

4.6 Where a complainant continues to correspond on a wide range of issues, and this action is considered excessive, then the complainant is told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.

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4.7 Complainant action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the complainant continues to dispute the school's decision relating to their complaint. The complainant is told that no future phone calls will be accepted or interviews granted concerning this complaint. Any future contact by the complainant on this issue must be in writing. Future correspondence is read and filed, but only acknowledged or responded to if the complainant provides significant new information relating to the complaint.

## 5. Deciding to Restrict Complainant Contact

5.1 School staff who directly experience aggressive or abusive behaviour from a complainant have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this policy.

5.2 With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the school are only taken after careful consideration of the situation by a more senior member of staff. Wherever possible, we give a complainant the opportunity to modify their behaviour or action before a decision is made. Complainants are told in writing why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place.

5.3 Decisions on how to formally manage contact are made by the Head Teacher on a case by case basis. For example, where:

- school staff are struggling to be heard, or feel upset, threatened, bullied or belittled by the contacts
- the contact is sexist, racist, culturally inappropriate etc.
- a parent/carer demands disproportionate time is spent relative to the circumstances of the issue, or makes unreasonable demands for action by the school
- there is repetitive contact that is not merited in the circumstances of the case
- there are disproportionate threats of school staff, legal action etc
- the parent/carer is highly needy, emotionally demanding, or appears to be becoming dependent on certain school staff
- there are repeated challenges to decisions

The Head Teacher will notify the parent/carer of a decision to manage their contact, the reasons why this decision has been taken, how long any restriction will be in place, when it will be reviewed and the right to appeal the decision. A copy of this policy will be enclosed with the decision.

## 6. Appealing a Decision to Restrict Contact

6.1 A complainant can appeal a decision to restrict contact within 20 working days of receiving it by writing to the Clerk to Governors c/o the school who will arrange for the matter to be dealt with in accordance with the school's Complaints procedure.

## 7. Recording and Reviewing a Decision to Restrict Contact

7.1 The school records all incidents of unacceptable actions by complainants. Where it is decided to restrict complainant contact, an entry noting this is made in the relevant file and on appropriate computer records.

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7.2 A decision to restrict complainant contact may be reconsidered if the complainant demonstrates a more acceptable approach. The Headteacher reviews the status of all complainants with restricted contact arrangements on a regular basis.

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